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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, by its DIVISION OF
MARINE FISHERIES,

and,

STATE OF NEW HAMPSHIRE, by its
FISH & GAME DEPARTMENT,
DIVISION OF MARINE FISHERIES,

Plaintiffs.

V.

OTTO WOLFF, Acting Secretary of
Commerce, et al.,

Defendants.

Case No. 06-cv-12110 (EFH)

**FEDERAL DEFENDANTS' MOTION
FOR STAY PENDING RESOLUTION
OF MOTION TO ALTER OR AMEND
THE COURT'S ORDER**

Federal Defendants^{1/} hereby move this Court for a stay of the effect of that portion of the Court's January 26, 2009 Memorandum and Order, Dkt. No. 38 ("Order") providing that Framework 42 is temporarily suspended pending review of the mixed-stock exception by Federal Defendants. Order at 7. Federal Defendants respectfully request that the Court stay the temporary suspension of Framework 42 pending resolution of Federal Defendants' Motion to Alter or Amend the Court's Order.

This motion is supported by the Memorandum in Support of Federal Defendants' Motion to Alter or Amend the Court's Order and in Support of Motion for Stay Pending Resolution of Motion, and the attached Declaration of Patricia Kurkul, filed herewith.

Pursuant to Local Rule 7.1(a)(2), the undersigned conferred with counsel for Plaintiffs about this motion and attempted in good faith to narrow or resolve the issues raised in this motion.

^{1/} Mr. Wolff, Acting Secretary of Commerce, is substituted for Carlos M. Gutierrez pursuant to Fed. R. Civ. P. 25(d)(1).

Dated: February 2, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non registered participants on February 2, 2009.

/s/ Kristen Byrnes Floom